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Class Counsel for Plaintiffs

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION**

**SAFRONIA DODD-OWENS, NATALIE)
 AMAYA, TERA BYRER, TIFFANY)
 SOCHA, TERI CARR, and)
 ELIZABETH "LISA" GLUS,)**

Case No. CV 06 03988 - JF

**STIPULATION AND (PROPOSED) ORDER TO EXTEND TIME FOR PLAINTIFFS TO FILE REPLY TO DEFENDANT'S
 OPPOSITION TO MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT OUT OF TIME
 Case No. CV 06 03988 JF**

1 Individually and on Behalf of All Others)
 2 Similarly Situated,)

3 PLAINTIFFS,)

4 v.)

5 KYPHON INC.,)

6 DEFENDANT.)

STIPULATION AND
 [PROPOSED] ORDER TO
 EXTEND TIME FOR
 PLAINTIFFS TO FILE REPLY
 BRIEF

DEMAND FOR JURY TRIAL

Hearing Dates: May 25, 2007

Time: 9:00 a.m.

Judge: Judge Jeremy Fogel

Complaint Date: June 27, 2006

Trial Date: None Assigned

10 **STIPULATION TO EXTEND TIME FOR PLAINTIFFS TO FILE REPLY TO**
 11 **DEFENDANT'S OPPOSITION TO MOTION FOR LEAVE TO FILE SECOND**
 12 **AMENDED COMPLAINT OUT OF TIME**

13 It is hereby stipulated and agreed, by and through undersigned counsel in the above-captioned
 14 action, that:

15 WHEREAS, Plaintiffs filed their Motion for Leave to File their Second Amended
 16 Complaint Out of Time in the United States District Court for the Northern District of
 California on April 20, 2007.

17 WHEREAS, pursuant to Civil Local Rule 7-3(c), Plaintiffs' Reply to Defendant's
 18 Opposition to their Motion for Leave is currently due to be filed on or before May 11, 2005.

19 WHEREAS, Plaintiffs' counsel are unable to submit the Reply Brief in this span of
 20 time due to time conflicts, as set forth in the attached declaration of Plaintiffs' counsel.

21 WHEREAS, Plaintiffs' counsel has conferred with Defendant's counsel, Rhonda L.
 22 Nelson, and she has agreed to extend the time for Plaintiffs to file their Reply Brief until May
 18, 2006, given the aforementioned time conflicts.

23 The parties therefore agree to extend the last day for Plaintiffs to file their Reply Brief to May
 18, 2007.

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 STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME FOR PLAINTIFFS TO FILE REPLY TO DEFENDANT'S
 OPPOSITION TO MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT OUT OF TIME

Case No. CV 06 03988 JF

1 **THEREFORE, THE PARTIES HEREBY STIPULATE THAT:**

2 The deadline for Plaintiffs to file their Reply to Defendant's Opposition to Plaintiffs
3 Motion to File Their Second Amended Complaint Out of Time shall be extended to May 18,
4 2007.

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6
7 Dated: May 10, 2007

SEVERSON & WERSON

8
9 By 

10 Rhonda L. Nelson
11 Attorneys for Defendant

12
13 Dated: May 10, 2007

SANFORD, WITTELS & HEISLER, LLP

14
15 By 

16 David Sanford
17 Attorneys for Plaintiffs

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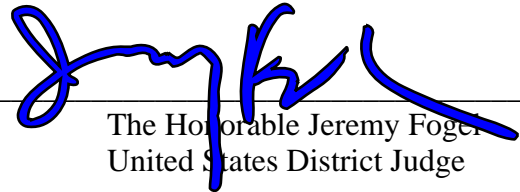
STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME FOR PLAINTIFFS TO FILE REPLY TO DEFENDANT'S
OPPOSITION TO MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT OUT OF TIME

Case No. CV 06 03988 JF

1 Upon consideration of the foregoing, the time for Plaintiffs to file their Reply to
2 Defendant's Opposition to the Motion for Leave to File the Second Amended Complaint Out of
3 Time will be extended until May 18, 2007.
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6 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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8 Dated: 5/18/07

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The Honorable Jeremy Fogel
United States District Judge

CERTIFICATE OF SERVICE

I, the undersigned, declare as follows: I am employed at the Law Firm of Sanford, Wittels & Heisler, District of Columbia; I am over the age of eighteen years and not a party to the within entitled action; my business address is 1666 Connecticut Avenue, N.W., Suite 310.

I hereby certify that on May 10, 2007, the foregoing STIPULATION TO EXTEND TIME FOR PLAINTIFFS TO FILE REPLY TO DEFENDANT'S OPPOSITION TO MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT OUT OF TIME and DECLARATION OF DAVID SANFORD were filed electronically. Notice of filing will be sent to the following party by operation of the Court's electronic filing system. The parties may access this filing through the Court's system.

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On the date indicated below, I caused to be served the foregoing document on the attorney(s) or offices named below, and addressed as follows:

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9 (X) BY ELECTRONIC MAIL: I caused said document(s) to be delivered to the electronic
10 addresses identified above.

11 I declare under penalty of perjury under the laws of the United States that the foregoing is
12 true and correct.

13 Executed on May 10, 2007.

14 /s/ Meenoo Chahbazi
15 Meenoo Chahbazi
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